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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Baker et al.	Docket No:	39780-2830P1C10
Serial No:	10/006,768	Group Art Unit:	1647
Filed:	December 6, 2001	Examiner:	Rachel B. Kapust

For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF LUC DESNOYERS, Ph.D. UNDER 37 CFR 1.131

I, Luc Desnoyers, Ph.D. declare and say as follows:

1. I am scientist at the Molecular Oncology Department of Genentech, Inc., South San Francisco, CA 94080.

2. I am one of the inventors of the above-identified application.

3. I have read and understood the claims pending in this application, and I am aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).

4. I, along with other inventors of this application, conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.

5. At the time the present invention was made I was, as still am, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.

6. In this assay, isolated chondrocyte cells are seeded in 96 well plates with either serum-free medium (no treatment control), or serum-free medium containing the test

PRO polypeptide. After 5 days, fluorescence dye is added to each plate and measured. A positive result in the assay is obtained when the fluorescence of the PRO polypeptide-treated sample is 1.2 fold or higher than the no treatment control. This type of fluorescence determination, wherein the readout is compared to a no treatment control, is well known in the art.

7. A copy of a page from the Genengenes database which reports a positive result for the PRO1412 polypeptide encoded by DNA 64897-1628 (UNQ730) in Assay #111 is attached to this declaration (with its date redacted) as Exhibit A. The positive results reported in the database were also obtained prior to January 6, 2000.

8. Copies of pages from laboratory notebook showing the positive results for the PRO1412 polypeptide (SEQ ID NO:140), identified by Pin number PIN753-1, in Assay #111 are attached to this declaration (with dates redacted) as Exhibit B. These experiments were performed and the results were obtained prior to January 6, 2000.

9. Exhibits A and B clearly show that the polypeptide designated PRO1412 was tested, and its ability to induce the proliferation and/or redifferentiation was determined prior to January 6, 2000.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Luc Desnoyers

03/25/2004
Date

GENENGENES | SITEMAP | Additional Resources:

GENE VIEWER | SEQUENCE VIEWER | ASSAY VIEWER

GENE | FAM | MAP | GENEHUB | DNA | SRC | RNA | LIB | FLS | OLI | PRO | DOM | EXP | PUR | LOT | ASY

Find New Update | SELECT | Go

Assay Viewer

SFDI Assays

- ASY1 Heart Neonatal Hypertrophy
- ASY2 Heart Adult Hypertrophy
- ASY3 Adipocyte Lipolysis
- ASY4 Adipocyte Lipogenesis
- ASY5 Hematopoiesis: stem cell proliferation
- ASY6 Hippocampal Neuron Survival
- ASY7 Retinal Neuron Survival (5-6 days cultur
- ASY8 Endothelial cell proliferation
- ASY9 Inhibition of VEGF stimulated endothelia
- ASY10 Eosinophil degranulation [induction of]
- ASY11 B cell IgE synthesis inhibition

Select All | Unselect

Find Lots:

All PIN
All DNA

Show Lots for
UNQ

Number
730

☐ Include UNQ Related Lots

Clear

Lots for Search

PIN753-1
PIN764-1
PIN1210-1

Remove | Remove All

☑ All Positives ☐ Verified Positives ☐ Pending

Date Complete From: To:

PUR Search | DNA Search | Reset

ASSAY RESULT LIST

Rows 1 - 1 of 1 | Page 1 of 1 | Select Page Page No: 1 Go

ASY	ASY Name	PUR/EXP/DNA	LOT	LOT Name	Pos	Verified	Conc	Conc Unit	Mean Ctrl	UNQ	Protein Name	Date Distr	Date Complete	Comme
SY111	Chon Prolif	PUR952	LOT1927	PIN753-1			307.00	nM	1.49	UNQ730	Human GVPT730 Poly-H	[redacted]		

Project No.
Book No. 33757 TITLE

Primary Assay Result
Assay ID ASY111
Assay Name Chondrocytes Proliferation Assay
Assay Date
Notebook Num XXXXX-XX

	1% 1	1% 2	1% 3	1% 4	1% 5	1% 6	1% 7	1% 8	1% 9	1% 10	1% 11	1% 12
A	Staurosporin Media	Staurosporin Media	Staurosporin Media	PIN717-1	PIN721-1	PIN725-1	PIN730-1	PIN734-1	PIN738-1	PIN742-1	PIN746-1	PIN750-1
B												
C	PIN708-1	PIN711-1	PIN714-1	PIN718-1	PIN722-1	PIN727-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1
D												
E	PIN709-1	PIN712-1	PIN715-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1
F												
G	PIN710-1	PIN713-1	PIN716-1	PIN720-1	PIN725-1	PIN729-1	PIN733-1	PIN737-1	PIN741-1	PIN745-1	PIN749-1	PIN753-1
H												

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

	1	2	3	4	5	6	7	8	9	10	11	12
A	88.1	87.1	98.4	100.4	173.2	166.5	166.6	103.1	74.4	88.0	155.6	82.1
B	81.1	159.7	84.4	144.4	98.6	103.6	118.6	75.5	89.3	104.1	78.5	119.6
C	85.4	91.8	89.5	89.1	86.5	84.9	80.4	56.6	67.6	56.6	83.7	107.2
D	84.6	102.4	75.6	70.8	84.7	37.2	60.3	56.4	70.9	75.3	79.5	119.6
E	102.9	73.5	58.0	71.4	55.9	51.1	59.7	47.5	74.3	72.1	52.5	175.3
F	89.9	102.3	80.7	131.8	84.7	93.8	78.2	66.8	68.6	81.4	84.8	180.5
G	116.0	125.9	159.3	105.5	77.5	57.6	64.6	73.5	77.2	84.9	182.9	183.7
H	144.3	102.0	192.0	193.6	161.4	124.0	128.4	125.7	95.4	137.9	172.1	139.5

Control	Fluorescence
Staurosporin	84.5
Media	108.4

Conc			1.00%				
PIN #	N1	N2	AVERAGE	STDEV	Positive	Verified	Comments
PIN708-1	0.788	0.780	0.784	0.0			
PIN709-1	0.949	0.645	0.797	0.2			
PIN710-1	1.070	1.331	1.201	0.2			
PIN711-1	0.847	0.945	0.896	0.1			
PIN712-1	0.678	0.944	0.811	0.2			
PIN713-1	1.162	0.941	1.052	0.2			
PIN714-1	0.826	0.697	0.762	0.1			
PIN715-1	0.535	0.744	0.640	0.1			
PIN716-1	1.469	1.771	1.620	0.2	Positive		
PIN717-1	0.926	1.333	1.129	0.3			
PIN718-1	0.822	0.653	0.738	0.1			
PIN719-1	0.859	1.216	0.938	0.4			
PIN720-1	0.973	1.788	1.380	0.6	Positive		
PIN721-1	1.596	0.910	1.254	0.5			
PIN722-1	0.832	0.597	0.614	0.0			
PIN724-1	0.515	0.781	0.648	0.2			
PIN725-1	0.715	1.489	1.102	0.5			
PIN726-1	1.537	0.956	1.246	0.4			
PIN727-1	0.599	0.343	0.471	0.2			
PIN728-1	0.471	0.774	0.623	0.2			
PIN729-1	0.532	1.144	0.838	0.4			
PIN730-1	1.536	1.098	1.317	0.3	Positive		
PIN731-1	0.557	0.556	0.557	0.0			
PIN732-1	0.551	0.722	0.636	0.1			
PIN733-1	0.596	1.184	0.890	0.4			
PIN734-1	0.951	0.697	0.824	0.2			
PIN735-1	0.522	0.520	0.521	0.0			
PIN736-1	0.438	0.617	0.527	0.1			
PIN737-1	0.678	1.159	0.919	0.3			
PIN738-1	0.686	0.824	0.755	0.1			
PIN739-1	0.624	0.654	0.639	0.0			
PIN740-1	0.586	0.635	0.660	0.0			
PIN741-1	0.712	0.880	0.796	0.1			
PIN742-1	0.812	0.961	0.886	0.1			
PIN743-1	0.541	0.695	0.618	0.1			
PIN744-1	0.665	0.751	0.708	0.1			
PIN745-1	0.599	1.272	0.935	0.5			
PIN746-1	1.436	0.724	1.080	0.5			
PIN747-1	0.588	0.733	0.661	0.1			
PIN748-1	0.484	0.781	0.633	0.2			
PIN749-1	1.584	1.588	1.636	0.1	Positive		
PIN750-1	0.757	1.105	0.931	0.2			
PIN751-1	0.989	1.104	1.046	0.1			
PIN752-1	1.618	1.665	1.642	0.0	Positive		
PIN753-1	1.695	1.287	1.491	0.3	Positive		

Witnessed & Understood by me, | Date | Invented by | Date

Recorded by

[redacted]

GRAPH

PINs	Average	STDEV
PIN708-1	0.78	0.0
PIN709-1	0.80	0.2
PIN710-1	1.20	0.2
PIN711-1	0.90	0.1
PIN712-1	0.81	0.2
PIN713-1	1.05	0.2
PIN714-1	0.76	0.1
PIN715-1	0.64	0.1
PIN716-1	1.62	0.2
PIN717-1	1.13	0.3
PIN718-1	0.74	0.1
PIN719-1	0.94	0.4
PIN720-1	1.38	0.6
PIN721-1	1.25	0.5
PIN722-1	0.61	0.0
PIN724-1	0.65	0.2
PIN725-1	1.10	0.5
PIN726-1	1.25	0.4
PIN727-1	0.47	0.2
PIN728-1	0.62	0.2
PIN729-1	0.84	0.4
PIN730-1	1.32	0.3
PIN731-1	0.56	0.0
PIN732-1	0.64	0.1
PIN733-1	0.89	0.4
PIN734-1	0.82	0.2
PIN735-1	0.52	0.0
PIN736-1	0.53	0.1
PIN737-1	0.92	0.3
PIN738-1	0.76	0.1
PIN739-1	0.64	0.0
PIN740-1	0.66	0.0
PIN741-1	0.80	0.1
PIN742-1	0.89	0.1
PIN743-1	0.62	0.1
PIN744-1	0.71	0.1
PIN745-1	0.94	0.5
PIN746-1	1.08	0.5
PIN747-1	0.66	0.1
PIN748-1	0.63	0.2
PIN749-1	1.64	0.1
PIN750-1	0.93	0.2
PIN751-1	1.05	0.1
PIN752-1	1.64	0.0
PIN753-1	1.49	0.3